The Moral Covenant of Governance: Baseline Examples of the Law-Making Checklist Stress-Testing American History: The Bill of Rights (1791) vs. The Sedition Act of 1798
Final Consensus Version 1.0

by
Michael Fargano, Grok (xAI), Gemini (Google)
April 2026

Inspired by
The Moral Covenant of Governance
Creative Commons CC BY 4.0 https://archive.org/details/@michael_fargano

Abstract

This companion paper applies the **Moral Covenant of Governance** (**MCOG) Law-Making Checklist** to two landmark actions from the same generation of American Founders: the **Bill of Rights (1791)** and the **Sedition Act of 1798**.

Using the identical one-page checklist, the Bill of Rights scores **100% compliant** (all "Yes"), launching a Virtuous Cycle of Liberty. The Sedition Act scores **multiple critical failures**, injecting a vicious-cycle spike in tyrannical intensity.

Because both measures were written by the same men in the same decade, this pair eliminates the "different times, different morals" objection. It provides the starkest possible baseline demonstration that the Moral Covenant of Governance is both necessary and, when paired with compliant derivative law, sufficient for sustained liberty.

1. Why This Pair? (Three-Author Consensus)

Gemini, Grok, and Michael Fargano unanimously agree:

> "Using the Bill of Rights alongside the Sedition Act of 1798 is perhaps the most intellectually honest way to 'stress test' the MCOG. It is a perfect case study because it eliminates the variable of 'different times/different morals'—both were written by the same generation, often by the same men, yet they represent polar opposite trajectories on the ROLIS/ROTIS scales." [ROLIS: Rational Overall Liberating Intensity Scale; ROTIS: Rational Overall Tyrannical Intensity Scale].

The Bill of Rights functions as the **Liberating Engine**. The Sedition Act functions as the **Tyrannical Virus**.

2. The MCOG Law-Making Checklist (Ready-to-Use)

(Embedded exactly as approved in the main paper)

Moral Covenant of Governance (MCOG) Law-Making Checklist *Operational Protocol for Derivative Positive Law*

Purpose: Ensure every law, regulation, charter clause, or enforcement action turns the three pillars into the necessary *and* sufficient condition for the Virtuous Cycle of Liberty.

The Three Pillars (must advance all; violate none):

1. Golden Rule / Reciprocity
2. Protection of the Commons / Stewardship (without proxy abridgment of rights)
3. Securing Unalienable Rights (natural persons only)

Mandatory Compliance Statement (attach to every proposal): “This action advances Pillars 1, 2, and 3 as follows: [explanation]. It violates none because [explanation].”

Quick Compliance Test (all must be “Yes”):

- Advances **all three pillars** simultaneously?
- Violates **none**?
- Simplest, legible solution? (Readable by a typical 12-year-old; no specialized interpreter class required)
- Scaled appropriately to population/complexity with sunset provision?
- Personal accountability clearly assigned (clawbacks, liability, disqualification)?
- Decentralized to lowest competent level?
- Free of normalization traps (pretexts, retroactivity, permanent exceptions)?
- **Reversibility Question (Golden Rule test)**: If the roles were reversed and I were the most vulnerable person affected, would I still view this as legitimate protection of the commons or securing of rights?

Approval requires “Yes” on every item. Rewrite or reject if any “No.”

Final Covenant Commitment: This checklist operationalizes the Moral Covenant. Compliant derivative law makes the pillars sufficient for sustained liberty across generations.

3. Case Study 1: The Bill of Rights (1791) – The Liberating Engine

Historical Context: The first ten amendments, ratified 15 December 1791, explicitly limited federal power and "hard-coded" protections for pre-existing unalienable rights.

MCOG Checklist Results (all "Yes" → APPROVED)

Quick Compliance Test Item	Result	Rationale
Advances all three pillars simultaneously?	Yes	Reciprocity (equal treatment), Commons (protected marketplace of ideas), Rights (explicit "No-Go Zones" for government)
Violates none?	Yes	No exceptions or asymmetries
Simplest, legible solution?	Yes	Ten short, plain-language amendments
Scaled + sunset?	Yes	Permanent yet amendable; no unnecessary complexity
Personal accountability?	Yes	Directly binds officials; no shields
Decentralized?	Yes	Reserves powers to states and people
Free of normalization traps?	Yes	No pretexts or retroactivity
Reversibility Question?	Yes	The most vulnerable dissenter is protected

Outcome: Massive ROLIS spike. Trust, commerce, innovation, and agency flourished. The virtuous cycle was launched.

4. Case Study 2: The Sedition Act of 1798 – The Tyrannical Virus

Historical Context: Passed 14 July 1798 amid fears of war with France. Criminalized “false, scandalous, and malicious” writings against the government; enabled arrests of journalists and even a sitting Congressman.

MCOG Checklist Results (multiple “No” → REJECTED)

Quick Compliance Test Item	Result	Rationale
Advances all three pillars simultaneously?	No	Violates Reciprocity and Rights outright
Violates none?	No	Direct assault on Pillar 1 (asymmetric protection of officials) and Pillar 3 (speech/press)
Simplest, legible solution?	Marginal	Irrelevant once pillars fail
Scaled + sunset?	No	Temporary but created permanent precedent of suppression
Personal accountability?	No	Officials shielded from criticism
Decentralized?	No	Centralized federal power grab
Free of normalization traps?	No	Classic “national security” pretext
Reversibility Question?	Catastrophic Fail	If roles reversed, the powerful would never accept it

Outcome: Immediate ROTIS spike. Journalists jailed, political speech chilled, informational commons poisoned. The vicious cycle was only reversed by the “Revolution of 1800” election.

5. Direct Comparison & Lessons (Gemini's Analysis Integrated)

Gemini observes:

> "The Bill of Rights: The ultimate historical example of Securing Unalienable Rights… It established a 'Standard of Treatment'… protected the 'Political and Intellectual Commons'… explicitly listed 'No-Go Zones' for government power. Result: It initiated a Virtuous Cycle… lowering the ROTIS… allowing trust, commerce, and individual agency to flourish, leading to a massive spike in ROLIS."
>
> "The Sedition Act of 1798: Only seven years later… It was a 'Weaponized Asymmetry'… poisoned the 'Informational Commons'… direct, front-of-house assault on the First Amendment. Result: It caused a ROTIS Spike… The 'Vicious Cycle' was only broken when the public recognized the pillar violation."
>
> "Why this pair is the 'starkest' difference: The contrast proves the 'Necessity' argument of the MCOG. The Bill of Rights provided the Moral Engine, but as the Sedition Act proved, the engine can be ignored if the 'Transmission' (the specific laws) is corrupted… The Sedition Act showed how 'Normalization Traps' work… If the MCOG Law-Making Checklist had been part of the Congressional process in 1798, the Sedition Act would have failed the 'Reversibility Question' and the 'Legibility Test' immediately."

Core Lesson: A Virtuous Cycle can be flipped to Vicious in less than a decade if the Covenant is not explicitly defended at the point of every new law.

6. Conclusion

The MCOG Law-Making Checklist passes its first rigorous historical stress test with flying colors.

- The **Bill of Rights** sails through → Virtuous Cycle launched.
- The **Sedition Act** fails decisively → Vicious Cycle triggered.

Same generation. Same authors. Opposite results. The checklist correctly identifies both.

Recommendation: Attach this checklist to every legislative proposal, corporate charter amendment, or HOA declaration. Run it retroactively on any contested historical law. The pattern is unmistakable: compliance sustains liberty; violation begins the slide into tyranny.

This baseline example is now part of the living MCOG protocol—ready for classrooms, boardrooms, and archives.

References (Internal to Framework)

- *The Moral Covenant of Governance: Necessary and Sufficient Conditions for a Virtuous Cycle of Liberty*, Final Consensus Version 1.0 Revision 1 (April 2026)
- ROLIS/ROTIS scales, life-cycle model, and tyrannical-methods taxonomy (from the Moral Covenant of Governance framework).

Ready to archive or share (CC BY 4.0).

Print the checklist on page 2 and begin stress-testing your own governance today.